

2025 -- S 0745

LC001469

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO EDUCATION -- TEACHERS' TENURE

Introduced By: Senator Samuel D. Zurier

Date Introduced: March 07, 2025

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-13-4 of the General Laws in Chapter 16-13 entitled "Teachers'
2 Tenure" is hereby amended to read as follows:

3 **16-13-4. Statement of cause for dismissal — Hearing — Appeals — Arbitration.**

4 (a)(1) For districts other than the Providence public school district, the ~~The~~ statement of
5 cause for dismissal shall be given to the teacher, in writing, by the governing body of the schools.
6 The teacher may, within fifteen (15) days of the notification, request, in writing, a hearing before
7 the school committee or school board. The hearing shall be public or private, in the discretion of
8 the teacher. Both teacher and school board shall be entitled to be represented by counsel and to
9 present witnesses. The board shall keep a complete record of the hearing and shall furnish the
10 teacher with a copy. Any teacher aggrieved by the decision of the school board shall have the right
11 of appeal to the department of elementary and secondary education and shall have the right of
12 further appeal to the superior court. Any decisions rendered must be approved by a majority of the
13 full board. Members voting on a decision must have been in attendance at the hearing.

14 (2)(i) For the Providence public school district, a principal may dismiss or demote any
15 teacher or other person assigned full-time to the school, subject to the review and approval of the
16 superintendent; and subject to the provisions of this section, the superintendent may dismiss any
17 employee of the school district. In the case of employees whose duties require them to be assigned
18 to more than one school, and in the case of teachers who teach in more than one school, those
19 persons shall be considered to be under the supervision of the superintendent for all decisions

1 relating to dismissal or demotion for cause.

2 (ii) Teachers who have been teaching in a school system for at least ninety (90) calendar
3 days shall not be dismissed unless they have been furnished with written notice of intent to dismiss
4 and with an explanation of the grounds for the dismissal in sufficient detail to permit the teachers
5 to respond and documents relating to the grounds for dismissal, and, if they so request, have been
6 given a reasonable opportunity within ten (10) school days after receiving such written notice to
7 review the decision with the principal or superintendent, as the case may be, and to present
8 information pertaining to the basis for the decision and to the teacher's status. The teachers
9 receiving such notice may be represented by an attorney or other representative at such a meeting
10 with the principal or superintendent. Teachers without professional teacher status shall otherwise
11 be deemed employees at will.

12 (iii) A teacher with tenure shall not be dismissed except for inefficiency, incompetency,
13 incapacity, conduct unbecoming a teacher, insubordination or failure on the part of the teacher to
14 satisfy teacher performance standards developed pursuant to chapter 38 of this title or other just
15 cause.

16 (iv) A teacher with tenure status may seek review of a dismissal decision within thirty (30)
17 days after receiving notice of their dismissal by filing a petition for arbitration with the
18 commissioner. The commissioner shall forward to the parties a list of three (3) arbitrators provided
19 by the American Arbitration Association. Each person on the list shall be accredited by the National
20 Academy of Arbitrators. The parties each shall have the right to strike one of the three (3)
21 arbitrators' names if they are unable to agree upon a single arbitrator from amongst the three (3).
22 The arbitration shall be conducted in accordance with the rules of the American Arbitration
23 Association to be consistent with the provisions of this section. The board of education shall
24 determine the process for selecting arbitrators for the pool. The fee for the arbitration shall be split
25 equally between the two (2) parties involved in the arbitration. The rules governing this arbitration
26 procedure shall be the rules of the American Arbitration Association as pertains to arbitration.

27 (v) At the arbitration hearing, the teacher and the school district may be represented by an
28 attorney or other representative, present evidence, and call witnesses and the school district shall
29 have the burden of proof. In determining whether the district has proven grounds for dismissal
30 consistent with this section, the arbitrator shall consider the best interests of the pupils in the district
31 and the need for elevation of performance standards.

32 (vi) The arbitrator's decision shall be issued within one month from the completion of the
33 arbitration hearing, unless all parties involved agree otherwise, and shall contain a detailed
34 statement of the reasons for the decision. Upon a finding that the dismissal was improper under the

1 standards set forth in this section, the arbitrator may award back pay, benefits, reinstatement, and
2 any other appropriate non-financial relief or any combination thereof. Under no circumstances shall
3 the arbitrator award punitive, consequential, or nominal damages, or compensatory damages other
4 than back pay, benefits or reinstatement. In the event the teacher is reinstated, the period between
5 the dismissal and reinstatement shall be considered to be time served for purposes of employment.
6 The arbitral decision shall be subject to judicial review as provided in chapter 9.2 of title 28.

7 (vii) With the exception of other remedies provided by statute, the remedies provided in
8 this section shall be the exclusive remedies available to teachers for wrongful termination.

9 (b) Nothing contained in this section shall be construed to prohibit, or at any time to have
10 prohibited, a school committee in a municipality or regional school district with an elected school
11 committee, or the chief executive officer in a municipality with an appointed school committee
12 from agreeing, in a collective bargaining agreement, to the arbitration of disputes arising out of the
13 nonrenewal, dismissal, and/or suspension of a teacher pursuant to §§ 16-13-2, 16-13-3, and/or 16-
14 13-5.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- TEACHERS' TENURE

1 This act would amend the teachers' tenure act for Providence public school teachers and
2 provide a process for the dismissal and demotion for teachers or other persons assigned full-time
3 to the school.

4 This act would take effect upon passage.

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